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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Dmitri Vallerweich TATARINOV,
Petitioner,
vs.

Superior Court of the State of California,
County of San Diego; Office of the Chief
Counsel, Dept. of Homeland Security; U.S.
Attorney, Southern District; ICE Detention &
Removal Unit
Respondents.

) Civil No. 07cv2033-L(NLS)
) Civil No. 07cv2034-L(NLS)
)
) USICE No. A72 779 308

**PETITIONER'S OPPOSITION TO
MOTION TO DISMISS SUPERIOR
COURT OF THE STATE OF
CALIFORNIA**

) Hearing: January 22, 2008
) Time: 10:30 a.m.
) Courtroom: 14

Petitioner opposes the dismissal of the Superior Court of the State of California and requests the court to deny the dismissal of the Superior Court of the State of California as a respondent from the above-captioned proceedings. Respondent states that Petitioner is challenging his deportation under 28 U.S.C. §2241, that the federal immigration entities are the proper respondents, that the State does not have custody of Petitioner, and therefore the Superior Court of the State of California must be dismissed from this action. (See Notice of Motion and Motion to Dismiss Superior Court of the State of California 1-26.)

Petitioner's consolidated petition seeks review of two post-conviction non-statutory motions to vacate that were dismissed by the Superior Court of the State of California. (See

1 Consolidated Petition 1-18.) Petitioner's consolidated petition is not challenging his deportation
2 order, it is challenging State of California's dismissal of Petitioner's non-statutory motions to
3 vacate based upon ineffective assistance of counsel.

4 CONCLUSION

5 Petitioner respectfully requests the denial of the Superior Court of the State of California
6 request for dismissal from this action.

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8 Respectfully submitted,

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11 Dated this December 27, 2007

12 s/Patricia Lynn Jacks
13 PATRICIA LYNN JACKS
14 Attorney for Petitioner
15 pjacks@san.rr.com
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United States District Court
For the Southern District of California

Dmitri Vallerveich TATARINOV,) Civil No. 07cv2033-L(NLS)
) Civil No. 07cv2034-L(NLS)
Petitioner,)
) USICE No. A72 779 308
vs.)

Superior Court of the State of California,) **PETITIONER'S OPPOSITION TO**
County of San Diego; Office of the Chief) **MOTION TO DISMISS SUPERIOR**
Counsel, Dept. of Homeland Security; U.S.) **COURT OF THE STATE OF**
Attorney, Southern District; ICE Detention &) **CALIFORNIA**
Removal Unit)
Respondents.)

I, the undersigned declare under penalty of perjury that I am over the age of eighteen years and not a party to this action; that I served the above-named person the following documents:

PETITIONER'S OPPOSITION TO MOTION TO DISMISS SUPERIOR COURT OF THE STATE OF CALIFORNIA

in the following manner: **Mailing Information for a Case 3:07-cv-02033-L-NLS**

Electronic Mail Notice List: The following are those who are currently on the list to receive e-mail notices for this case.

- **Attorney General** docketingsdwt@doj.ca.gov
- **Samuel William Bettwy**
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Manual Notice List: The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)

Executed on **December 27, 2007**, at San Diego, California.

s/Patricia Lynn Jacks
PATRICIA LYNN JACKS
Attorney for Petitioner
pjacks@san.rr.com